

CENTRAL INTELLIGENCE AGENCY




Director, Office of Legislative Liaison

7 June 1985

NOTE TO: DCI
DDCI

o Attached is a Leahy-Cohen amendment to the State Authorization Bill passed this afternoon by unanimous consent.

o It would make it U.S. policy that the number of Soviet diplomatic or consular personnel in the U.S. not exceed the number of similar U.S. officials in the USSR.


Charles A. Briggs

cc: EXDIR
DDO
Comptroller

Distribution:

0 - DCI w/att
1 - DDCI w/att
1 - EXDIR w/att
1 - DDO w/att
1 - Comptroller w/att
✓ 1 - ER w/att
1 - D/OLL Chron w/att
1 - DD/OLL w/att
1 - C/Liaison Div/OLL w/att
1 - C/Legislation Div/OLL w/att
1 - OLL Subject w/att
1 - OLL Chron w/o/att
D/OLL:CABriggs;jms (7 June 1985)

139913.309

LEAHY - COHEN AMEND TO STATE AUTH. BILL
S.I.C. (3)

AMENDMENT NO. ---

Calendar No. ---

Purpose: To establish a policy of limiting the number of Soviet diplomatic and consular personnel in the United States.

IN THE SENATE OF THE UNITED STATES--99th Cong., 1st Sess.

S. 1003

To authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Leahy

Viz:

1 On page 31, after line 23, add the following new title:

2 TITLE VI--DIPLOMATIC EQUIVALENCE AND RECIPROCITY ACT OF 1985

3 SHORT TITLE

4 Sec. 601. This title may be cited as the "Diplomatic
5 Equivalence and Reciprocity Act of 1985".

6 POLICY

7 Sec. 602. (a) It is the policy of the United States that
8 the number of nationals of the Soviet Union admitted to the
9 United States who serve as diplomatic or consular personnel
10 of the Soviet Union in the United States shall not exceed the
11 number of United States nationals admitted to the Soviet
12 Union who serve as diplomatic or consular personnel of the

1:30
PASSED ~ 10 PM, 7 JUNE 85

139913.329

S.I.C.

2

1 United States in the Soviet Union unless the President
2 determines and so certifies to the Congress that additional
3 admissions of such personnel would be in the best interests
4 of the United States.

5 (b) The policy contained in subsection (a) shall not
6 apply to dependents or spouses who do not serve as diplomatic
7 or consular personnel.

8 REPORTING REQUIREMENT

9 Sec. 603. Not later than six months after the date of
10 enactment of this title, the Secretary of State and the
11 Attorney General shall prepare and transmit to the Committee
12 on Foreign Relations and the Select Committee on Intelligence
13 of the Senate and the Committee on Foreign Affairs and the
14 Permanent Select Committee on Intelligence of the House of
15 Representatives a report setting forth a plan for ensuring
16 that the number of Soviet nationals described in section 602
17 does not exceed the limitation described in such section.

18 DEFINITIONS

19 Sec. 604. For purposes of this title--

20 (1) the term "diplomatic or consular personnel"
21 means the members of the diplomatic mission or the
22 members of the consular post, as the case may be;

23 (2) the term "members of the diplomatic mission" is
24 used within the meaning of Article 1(b) of the Vienna
25 Convention on Diplomatic Relations, done on April 18,

139917.309

S.I.C.

3

1 1961; and

2 (3) the term "members of the consular post" is used
3 within the meaning of Article 1(q) of the Vienna
4 Convention on Consular Relations, done on April 24, 1963.

DAVE DURENBERGER, MINNESOTA, CHAIRMAN
PATRICK LEAHY, VERMONT, VICE CHAIRMAN

WILLIAM V. ROTH, JR., DELAWARE
WILLIAM S. COHEN, MAINE
ORRIN HATCH, UTAH
FRANK MURKOWSKI, ALASKA
ARLEN SPECTER, PENNSYLVANIA
CHIC HECHT, NEVADA
MITCH MCCONNELL, KENTUCKY

LLOYD BENTSEN, TEXAS
SAM NUNN, GEORGIA
THOMAS F. EAGLETON, MISSOURI
ERNEST F. HOLLINGS, SOUTH CAROLINA
DAVID L. BOREN, OKLAHOMA
BILL BRADLEY, NEW JERSEY

United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510

ROBERT DOLE, KANSAS, EX OFFICIO
ROBERT C. BYRD, WEST VIRGINIA, EX OFFICIO

BERNARD F. McMAHON, STAFF DIRECTOR
ERIC D. NEWSOM, MINORITY STAFF DIRECTOR

June 6, 1985

Dear Colleague:

During consideration of S. 1003, the State Department Authorization bill, we intend to propose an amendment to make it the stated policy of the United States that there be equivalence in the number of U.S. diplomatic and consular personnel in the Soviet Union and Soviet diplomatic and consular personnel in this country.

The amendment parallels a provision approved unanimously on May 8 by the Senate Select Committee on Intelligence as part of the fiscal year 1986 intelligence authorization bill. It is in line with legislation passed last year and signed into law which expressed the sense of the Senate that equivalence in diplomatic representation should be achieved with countries which engage in intelligence activities against the United States.

The amendment would make it the stated policy of the United States that the number of Soviet diplomatic and consular personnel in the U.S. may not exceed the corresponding number of American representatives in the Soviet Union. The President could continue to admit more Soviets only if he determined, and certified to Congress, that it would be in the best interests of the United States to do so. Six months after the provision came into force, the Secretary of State and the Attorney General would have to transmit to the foreign relations and intelligence committees of Congress a plan to carry out the new policy.

There can be no doubt of the security risks of continued employment of a large number of Soviet nationals at U.S. diplomatic and consular facilities in the Soviet Union. Nearly 200 Soviet nationals work at our facilities in the Soviet Union while only a handful of Americans work for the Soviets here. It was recently revealed that for a period of years the U.S. Embassy in Moscow was "bugged" by highly sophisticated devices implanted in its typewriters. The Intelligence Committee has determined that the typewriters and other pieces of office equipment have regularly been sent through ordinary freight channels and that Soviet employees in our Embassy and consulates are actually involved in their assignments and use by U.S. officials.

There is an equally severe security problem caused by the activities of Soviet diplomats in the United States. In April 1983, Lt. Col. Yevgeney N. Barmyantsev, acting military attache of the Soviet embassy, was arrested in the act of picking up classified

-2-

information dropped by a U.S. double agent in rural Montgomery County. Just last month came the reports of the apprehension of John Walker and others after Walker attempted to deliver 129 classified documents to a "dead drop" only about three miles away from where the earlier incident had occurred. Another Soviet official, Aleksey Gavilovich Tkachenko, a vice consul at the Soviet Embassy, was implicated by the FBI and left the country shortly thereafter.

It will do no good to increase the resources devoted to counter-intelligence investigations and security checks within the United States by the FBI and the investigative services of the Department of Defense and the separate military services if we do not begin to control the numbers as well as the activities of Soviet officials in the United States. It is estimated that nearly four out of every ten Soviet diplomatic and consular officials are intelligence officers. Increased resources made available to the FBI and Department of Defense for counterintelligence cannot alone enable them to keep pace with the numbers and aggressiveness of Soviet intelligence officers and their agents.


Our amendment would address the problems of the Soviet nationals at U.S. facilities in the U.S.S.R. at the same time as the number of Soviet diplomats and consular officials in the United States. These problems are closely related; at present, only about 200 Americans work in our Embassy and consulates in the Soviet Union, while over 300 Soviets work here.

This approach is a flexible one that would allow the President to address both these problems together. It would give the Executive branch the statutory directive it needs to resolve the serious problem of the disparity between the numbers of U.S. and Soviet officials. The best way to reduce this disparity in line with the amendment would be for the Executive branch to begin by reducing the number of Soviets working in the U.S. Embassy in Moscow and replacing them with American employees. The Administration could then raise with the Soviets the need to reduce their diplomatic and consular representation here to correspond with the level of U.S. representation in the Soviet Union.

If you have any questions or would like to cosponsor this amendment, please contact either Eric Newsom or Jim Dykstra at 4-1700.

Sincerely,


Patrick Leahy


William S. Cohen